

Annual 47 C.F.R. § 64.2009(e) CPNI Certification

EB Docket 06-36

Annual 64.2009(e) CPNI Certification for 2010 covering the prior calendar year 2010

Date filed: March 18, 2011

Name of company(s) covered by this certification: Coupe Communications, Inc., Coupe Communications, LLC, John Parke Coupe, Jr.

Form 499 Filer ID: N/A

Name of signatory: John Parke Coupe, Jr.

Title of signatory: President/Owner

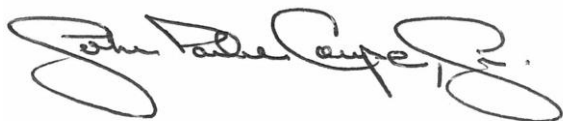
I, John Parke Coupe, Jr., certify that I am an officer of the company(s) named above (collectively hereafter referred to as "Coupe"), and acting as an agent of the company(s), that I have personal knowledge that the company(s) have established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. *See 47 C.F.R. § 64.2001 et seq.*

Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements (including those mandating the adoption of CPNI procedures, training, recordkeeping and supervisory review) set forth in section 64.2001 *et seq.* of the Commission's rules. *However, it should be noted that Coupe Communications DOES NOT provide any interconnected services to the public or classes of users to be effectively available to the public.* In reference to a letter from the Commission to Mark E. Crosby from EWA (attached), we are unable to interpret whether or not we are subject to this filing. Therefore, so as to err on the side of safety we are making this filing. However, I believe that our services do not fall into the category of services the Commission intended for this filing. We therefore plead that for future filings, the Commission specifically interpret whether or not push-to-talk, non-interconnected, non-covered SMR services provided to business, enterprise and/or public safety entities must file an annual CPNI certification. It should be noted that our filing is delayed since we were awaiting the response to Mr. Crosby's letter, which we received electronically this morning.

The company(s) have not taken any actions (proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers) against data brokers in the past year, have not received any customer complaints in the past year concerning the unauthorized release of CPNI.

The company(s) represent and warrant that the above certification is consistent with 47. C.F.R. § 1.17 which requires truthful and accurate statements to the Commission. The company acknowledges that false statements and misrepresentations to the Commission are punishable under Title 18 of the U.S. Code and may be subject to enforcement action.

Signed

A handwritten signature in black ink, appearing to read "John Parke Coupe, Jr.", with a stylized flourish at the end.

Owner/President

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Supporting Statement

- (a) “Coupe” has implemented a system whereby it does not use CPNI information for purposes other than invoicing of services. “Coupe” shall clearly establish customer approval prior to any other proposed use of CPNI in conformance with CFR 47 Part 64.
- (b) “Coupe” has trained all personnel that they are not authorized to use CPNI for any purpose other than routine invoicing without the specific approval of the owner/President, and has adopted an expressed disciplinary process for violations of this policy.
- (c) It is “Coupe’s” policy that CPNI shall not be used in any internal or external marketing campaign. Furthermore CPNI will not be disclosed or provided to third parties.
- (d) Coupe has instituted a supervisory review process regarding compliance with the rules of this subpart. Should “Coupe” enact any outbound marketing, supervisory approval of proposed outbound marketing must be obtained from the owner/President and records shall be kept for a minimum of one year.
- (e) Coupe acknowledges it must have an officer, as an agent, sign and file with the Commission a compliance certificate on an annual basis. The officer must state in the certification that he or she has personal knowledge that the company(s) has/have established operating procedures that are accompanying the certificate explaining how its operating procedures ensure that they are or are not in compliance with rules in this subpart. In addition, the carrier must include an explanation of any actions taken against data brokers and a summary of all customer complaints received in the past year concerning the unauthorized release of CPNI. This filing must be made annually, with the Enforcement Bureau on or before March 1 in EB Docket No. 03-36, for data pertaining to the previous calendar year.
- (f) “Coupe” acknowledges it must provide opt-out mechanisms for its clients and written notice within five business days to the Commission of any instance where the opt-out mechanisms do not work properly, to such a degree that consumers' inability to opt-out is more than an anomaly. Such notice shall conform to requirements of CFR 47 Part 64.2009.
 - (1) Such notice shall be in the form of a letter, and shall include the carrier’s name, a description of the opt-out mechanism(s) used, the problem(s) experienced, the remedy proposed and when it will be/was implemented, whether the relevant state commission(s) has/have been notified and whether it/they have taken any action, a copy of the notice provided to the customers, and contact information.
 - (2) Such notice must be submitted even if the carrier offers other methods by which consumers may opt-out.



Federal Communications Commission
Washington, D.C. 20554

February 28, 2011

Mr. Mark E. Crosby
President/CEO
Enterprise Wireless Alliance
8484 Westpark Drive, Suite 630
McLean, VA 22102

Dear Mr. Crosby:

This responds to your letter of January 31, 2011, seeking guidance as to whether certain of your members must file an annual certification of compliance with section 222 of the Communications Act (Act) and the Commission's rules regarding customer proprietary network information (CPNI). In particular, you ask whether wireless carriers that provide "push-to-talk, non-interconnected, 'non-covered SMR,' wireless communication capabilities to business enterprise and public safety entities" must file an annual CPNI certification.

The Commission's CPNI rules provide that "[a] *telecommunications carrier* must have an officer, as an agent of the carrier, sign and file with the Commission a compliance certification on an annual basis. . . . This filing must be made annually with the Enforcement Bureau on or before March 1 in EB Docket No. 06-36, for data pertaining to the previous calendar year." 47 C.F.R. § 64.2009(e) (emphasis added). For purposes of the CPNI rules, a "telecommunications carrier" is "any provider of telecommunications services" as defined in the Act or any entity that provides interconnected voice over Internet protocol services as defined in 47 C.F.R. § 9.3. See 47 C.F.R. § 64.2003(o); 47 U.S.C. § 153(51). "Telecommunications service," in turn, means "the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used." 47 U.S.C. § 153(53). Your members' obligation to comply with section 222 and our CPNI rules, including the annual certification requirement, thus turns on a case-by-case assessment whether they are "telecommunications carriers."

Sincerely,

Austin C. Schlick
General Counsel